



JFW  
PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:  
Richard HUMPLEMAN, et al. )  
Application No.: 10/797,700 )  
Filed: March 10, 2004 )  
For: METHOD AND APPARATUS FOR A )  
HOME NETWORK AUTO-TREE )  
BUILDER )  
Examiner: Cabeca, John W.  
Group Art Unit: 2173  
October 12, 2005  
Irvine, California

**FIFTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

(SUBMISSION AFTER FILING OF AN APPLICATION  
BUT BEFORE FINAL REJECTION OR NOTICE OF ALLOWANCE  
OR CONCURRENTLY WITH A RULE 53(d) CPA APPLICATION  
OR WITH A RULE 1.114 RCE APPLICATION)

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. **LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION**

The patents, publications, or other information submitted for consideration by the Office are listed on the PTO-1449(s), attached hereto.

II. **COPIES** (check at least one box)

a.  Submitted herewith is a legible copy of (i) each foreign patent; (ii) each publication or that portion which caused it to be listed, other than U.S. patents and U.S. patent application publications; (iii) each cited pending unpublished U.S. application, the application specification including the claims, and any drawings of the application, or that portion of the application which caused it to be listed including any claims directed to

that portion; and (iv) all other information or that portion which caused it to be listed.

b.  Some or all of the documents listed on the PTO-1449 are not enclosed, as the references are textbooks providing basic knowledge of the field and background of the invention. If copies are needed, please contact the undersigned.

III. **CONCISE EXPLANATION OF THE RELEVANCE**  
(check at least one box)

a.  DOCUMENTS IN THE ENGLISH LANGUAGE

The attached patents, publications, or other information in the English language do not require a statement of relevancy.

b.  DOCUMENTS NOT IN THE ENGLISH LANGUAGE

A concise explanation of the relevance of all patents, publications, or other information listed that is not in the English language is as follows:

References were cited in an Office Actions in related foreign applications, which correspond to the above entitled application. The English language Abstract is provided for each reference not in the English language.

c.  ENGLISH LANGUAGE SEARCH REPORT

An English language version of the search report or action that indicates the degree of relevance found by the foreign office is attached, thereby satisfying the requirement for a concise explanation. See MPEP 609(III)(A)(3).

d.  OTHER

The following additional information is provided for the Examiner's consideration.

FEES

IV.  THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b):  
(check one box)

a.  within three months of the filing date of a national application (37 C.F.R. § 1.97(b)(1)). No fee or statement is required. (This section is not to be used with RCE's and CPA's).

b.  within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or statement is required.

c.  concurrently with the filing of a Continued Prosecution Application under 37 C.F.R. § 1.53(d) or concurrently with the filing of a Request for Continued Examination under § 1.114 (37 C.F.R. § 1.97(b)(4)). No fee or statement is required.

d.  before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or statement is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the statement under 37 C.F.R. § 1.97(e) below, or, if no statement has been made, charge our deposit account in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

V.  THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):  
(check one box)

before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c)(1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c)(2)).

a.  No statement; therefore, a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).  
or

b.  See the statement below. No fee is required.

VI. STATEMENT UNDER 37 C.F.R. § 1.97(e) (check only one box)

The undersigned hereby states that

- a.  each item of information contained in the IDS was first cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- b.  no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the IDS.
- c.  Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was first cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application and, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

VII. PAYMENT OF FEES (check one box)

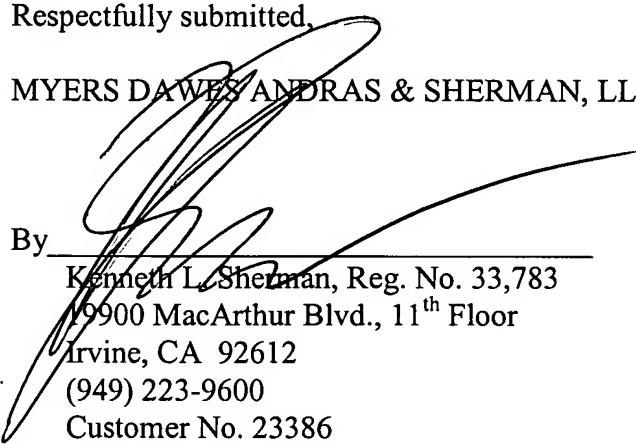
- A check in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p) is enclosed for the above-identified fee.
- Please charge Deposit Account No. 01-1960 in the amount required by 37 C.F.R. § 1.17(p) for the above-indicated fee.
- No fee is required.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule and charge the appropriate fee to Deposit Account No. 01-1960.

If necessary, the Commissioner is hereby authorized to charge payment or credit any overpayment to Deposit Account No. 01-1960 for any additional fees required in connection with this filing. A duplicate copy of this page is enclosed for this purpose.

Respectfully submitted,

MYERS DAWES ANDRAS & SHERMAN, LLP

By 

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Attachment(s):  PTO-1449

- Documents – 7 References
- Foreign Search Report
- Fee
- Other: Return Receipt Postcard

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450 on October 12, 2005.

Sarah A. Nielsen  
(Name of person mailing paper)

  
(Signature of person mailing paper)

Form PTO-1449  INFORMATION DISCLOSURE C <sup>OPYRIGHT</sup> A <sup>TM</sup> T <sup>M</sup> S <sup>ervice</sup> MARK OFFICE  (Use several sheets if necessary)		OCT 14 2005 ATTY DOCKET NO. SAM1.PAU.14.E		APPLICATION NO. 10/797,700				
		APPLICANT HUMPLEMAN et al.						
		FILING DATE March 10, 2004		GROUP 2173				
<b>U.S. PATENT DOCUMENTS</b>								
EXAMINER INITIAL	DOCUMENT NUMBER	KIND	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE	
<b>FOREIGN PATENT DOCUMENTS</b>								
Office	DOCUMENT NUMBER	Kind	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION	
							YES	NO
WIPO	WO 97/18636	A2	22 MAY 1997	WO				
JP	05-040891		19 FEB. 1993	JAPAN				
JP	07-044474		14 FEB. 1995	JAPAN				
JP	09-009160		10 JAN. 1997	JAPAN				
JP	09-135265		20 MAY 1997	JAPAN				
JP	09-149325		6 JUNE 1997	JAPAN				
<b>OTHER DOCUMENTS</b> (Include Name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.)								
	VICTOR D. CHASE, "Building the Internet into Appliances," Appliance Manufacturer, Chicago, January 1997, volume 45, issue 1, pp. 6-7.							
EXAMINER				DATE CONSIDERED				
EXAMINER: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.								

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service first class mail in an envelope addressed to:  
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Sarah A. Nielsen  
 (Name of person mailing paper)

Sarah A. Nielsen  
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